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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,089	07/13/2006	Willem J. Quadakkers	23660	1161
535	7590	03/02/2009		
K.F. ROSS P.C.			EXAMINER	
5683 RIVERDALE AVENUE			FOGARTY, CAITLIN ANNE	
SUITE 203 BOX 900				
BRONX, NY 10471-0900			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			03/02/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<i>Office Action Summary</i>	Application No.	Applicant(s)
	10/586,089	QUADAKKERS, WILLEM J.
	Examiner	Art Unit
	CAITLIN FOGARTY	1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 November 2008.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,2,4 and 6-10 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,2,4 and 6-10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

*Status of Claims*

1. Claims 1, 2, 4, and 6 – 10 are pending where claims 1, 2, 4, 6 – 8 and 10 have been amended. Claims 3 and 5 have been cancelled.

*Status of Previous Objections and Rejections*

2. The objections to claims 3 and 5 are moot since they have been cancelled. The objection to claim 7 has been withdrawn in view of the amendment filed November 18, 2008.

The 35 U.S.C. 103(a) rejection of claims 1 – 6 and 10 as being unpatentable over Alger (US 6,599,636) has been maintained. The rejection of claims 3 and 5 is now moot since they have been cancelled.

The 35 U.S.C. 103(a) rejection of claims 7 – 9 as being unpatentable over Alger (US 6,599,636) in view of the *ASM Handbook* has been maintained.

*Claim Rejections - 35 USC § 103*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1, 2, 4, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alger (US 6,599,636).

The amendment to claim 1 did not change the scope of the claim but merely incorporated the limitations of cancelled claims 3 and 5. The amendments to claims 2, 4, 6, and 10 also did not change the scope of the claims but merely corrected claim dependency and some minor errors to improve the clarity of the claims. Therefore,

Alger is applied to the instant amended claims 1, 2, 4, 6, and 10 as set forth in the August 18, 2008 Office action 35 U.S.C. 103(a) rejection of claims 1-6 and 10.

5. Claims 7 – 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alger (US 6,599,636) in view of the *ASM Handbook*.

The amendments to claims 7 and 8 did not change the scope of the claims but merely corrected some minor errors to improve the clarity of the claims. Therefore, Alger in view of the *ASM Handbook* is applied to claims 7 – 9 as set forth in the August 18, 2008 Office action.

*Response to Arguments*

6. Applicant's arguments filed November 18, 2008 have been fully considered but they are not persuasive.

Arguments are summarized as follows:

The instant invention describes how a non-aluminum oxide layer is formed on the surface of an aluminum alloy by depositing a non-aluminum metal on the surface in the presence of oxygen so that it forms the desired non-aluminum oxide layer. This is in sharp distinction from Alger where an oxide layer is deposited on the aluminum alloy.

Examiner's response is as follows:

Alger discloses in col. 2 line 46-col. 3 line 9 that in order to form the non-aluminum-containing oxide layer, Ti is deposited on the aluminum-containing alloy so that an oxide layer of Ti forms in an oxygen atmosphere. Furthermore, col. 4 lines 20-31 and Fig. 2 of Alger teach that substantially only  $\alpha$ -Al<sub>2</sub>O<sub>3</sub> oxides form as recited in

instant claim 1. Therefore, the Examiner maintains the position that the instant invention is not patentably distinct from Alger.

*Conclusion*

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAITLIN FOGARTY whose telephone number is (571)270-3589. The examiner can normally be reached on Monday - Friday 8:00 AM - 5:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/  
Supervisory Patent Examiner, Art  
Unit 1793

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